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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: March 27, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

Cc: Philip Kret and William Albert, property owners
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to allow an addition to a nonconforming two-family structure which expands nonconformities with regard to use, floor area ratio, lot coverage, open space, and side setbacks**

Applicant: Philip Kret and William Albert	
Site: 111 Pleasant Street	SBL: 64030 0016 and 64030 0016A
Zoning: SR2	Lot Area: 5,628 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling

Background:

The property at 111 Pleasant Street consists of a 5,628 square foot lot occupied by a two-family dwelling built in 1916. The dwelling is owned in condominium and both owners are co-applicants. The applicants propose to add on to the rear of the dwelling to create additional living space on the first and second floors.

The following review is based on plans and materials submitted to date as noted below.

- Site plan, showing proposed addition, signed and stamped by Wesley T. Guillaume, Surveyor, dated 2/13/12
- Average grade plane calculation, signed by Wesley T. Guillaume, Surveyor, undated
- Architectural plans, by Peter Wright, Architect, dated 2/7/12
 - Existing basement plan
 - Proposed addition at basement
 - Existing first floor
 - Proposed first floor plan
 - Existing second floor plan
 - Proposed second floor plan

- Existing driveway side elevation
- Proposed driveway side elevation
- Existing side elevation
- Proposed side elevation
- Existing rear elevation
- Proposed rear elevation

ADMINISTRATIVE DETERMINATIONS:

1. The existing use, a two-family dwelling, is a legally nonconforming use in the SR2 zone. The applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) to expand a nonconforming use.
2. The property is in the SR2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	5,628 square feet	No change
Frontage	80 feet	46.69 feet	No change
Setbacks			
• Front	25 feet	17 feet*	No change
• Side	7.5 feet	7.2 feet	No change
• Rear	15 feet	24.7 feet	No change
FAR	0.45	0.72**	0.76**
Building Height	36 feet	30.1	No change
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	30%	32.5%	33.4%
Min. Open Space	50%	49%	48%

* Scaled from site plan

** 50% of the basement area counts toward gross floor area because it is more than four feet between grade and the top of the subfloor of the first story.

3. The applicants' plans show the proposed addition extending the nonconforming north side setback. The proposed expansion to the structure's floor plan would also decrease the nonconforming percentage of required open space and increase the nonconforming maximum percentage of lot coverage. To construct the addition as proposed, the applicants must obtain a special permit from the Board of Aldermen, per Section 30-21(b).
4. The applicants' plans show a bulkhead extending into a required side setback. Per Section 30-15(e), bulkheads may project into required setbacks. No additional zoning relief is required.
5. Per Section 30-15(u), two-family dwellings on lots in the SR2 zone of 5,628 square feet are limited to a floor area ratio of .45. The applicants' plans and calculations show that the existing structure has an FAR of .72. The proposed addition will increase the FAR to .76. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
6. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-21(b)	Allow the extension of a nonconforming use	S.P. per §30-24
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-21(b)	Allow an increase of nonconforming lot coverage from 32.5% to 33.4%, where 30% is allowed by right	S.P. per §30-24
§30-21(b)	Allow a decrease of nonconforming open space from 49% to 48%, where 50% is required	S.P. per §30-24
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-21(b)	Allow an increase in nonconforming FAR from .72 to .76 where .45, is allowed by right	S.P. per §30-24
§30-21(b)	Allow an addition to a nonconforming structure which increases its degree of nonconformity with regard to the side setback	S.P. per §30-24